THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 6681of 1996

Dated: 17-11-2005

Between:

Abdul Hameed Patel.

..Petitioners.

And

The Deputy Inspector General of Registration & Stamps, Hyderabad Range, H.No.3-6-104, Himayatnagar, Hyderabad and another.

..Respondents.

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 6681of 1996

ORDER:

First respondent, during the course of inspection of the premises of the

petitioner, came across some documents which, according to him, are undervalued and so, he, by the order impugned in the petition, directed the petitioner to pay the stamp duty and penalty fixed by him.

2. Since the documents, in respect of which the first respondent has directed the petitioner to pay deficit stamp duty and penalty, are not presented for registration and are not sought to be used as evidence in any proceedings, and since this Court in **CANARA BANK V. DISTRICT REGISTRAR & COLLECTOR, REGISTRATION & STAMPS DEPARTMENT** struck down the Section 73 as amended by the State Act, empowering persons authorized, to seize and impound instruments found, on inspection. The demand made by first respondent is ultra vires and hence, the proceedings impugned are struck down.

3. Hence, the Writ Petition is allowed. No order as to costs.

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17-11-2005

sj